

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VIRGILIO ACEVEDO DE LOS SANTOS

Defendant.

ORDER OF  
JUDICIAL  
REMOVAL

S1 19 CR. 563 (AKH)

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NOTICE IS HEREBY GIVEN TO VIRGILIO ACEVEDO DE LOS SANTOS ("the defendant") and to his attorney of record, Clay H. Kaminsky, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Dominican Republic and a citizen of the Dominican Republic.
3. The defendant was last admitted to the United States at New York, New York on January 13, 2016 as a United States citizen fraudulently using the identity of a deceased individual named Jairo Taveras.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, in violation of Title 18 United States Code, section 1542, passport fraud and Title 18 U.S.C. section 1028(a)(7), identity theft.
5. The maximum sentence for these violations is fifteen years' imprisonment.

6. The defendant is subject to removal from the United States pursuant to section 237(a)(3)(D)(i) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1227(a)(3)(D)(i), as an alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this chapter (including section 1324a of this title) or any Federal or State law.

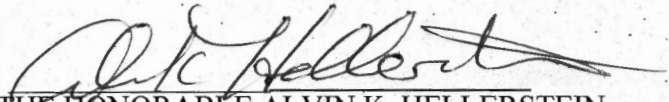
7. The defendant has waived his right to notice and a hearing under section 238[(d)](c) of the INA, 8 U.S.C. § 1228[(d)](c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, pursuant to section 238[(d)](c) of the INA, 8 U.S.C. § 1228[(d)](c) that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the Dominican Republic.

Dated: New York, New York

*JJ* 28, 2021

  
THE HONORABLE ALVIN K. HELLERSTEIN  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VIRGILIO ACEVEDO DE LOS SANTOS

Defendant.

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NOTICE OF INTENT TO  
REQUEST JUDICIAL  
REMOVAL

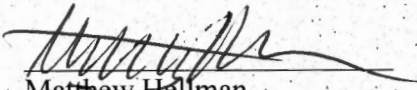
SI 19 CR. 563 (AKH)

NOTICE IS HEREBY GIVEN TO VIRGILIO ACEVEDO DE LOS SANTOS ("the defendant") and to his attorney of record, Clay H. Kaminsky, Esq., that upon conviction of the defendant for violations of Title 18 United States Code 1542 and 1028(a)(7), the United States of America shall request that the Court issue a Judicial Order of Removal against the defendant pursuant to section 238[(d)](c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1228[(d)](c).

Dated: New York, New York  
July 20, 2021

AUDREY STRAUSS  
United States Attorney  
Southern District of New York

By:

  
Matthew Hellman  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VIRGILIO ACEVEDO DE LOS SANTOS

Defendant.

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FACTUAL ALLEGATIONS IN  
SUPPORT OF JUDICIAL  
REMOVAL

S1 19 CR. 563 (AKH)

NOTICE IS HEREBY GIVEN TO VIRGILIO ACEVEDO DE LOS SANTOS ("the defendant") and to his attorney of record, Clay H. Kaminsky, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Dominican Republic and a citizen of the Dominican Republic.
3. The defendant was last admitted to the United States at New York, New York on January 13, 2016 as a United States citizen fraudulently using the identity of a deceased individual named Jairo Taveras.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, in violation of Title 18 United States Code, section 1542, passport fraud and Title 18 U.S.C. section 1028(a)(7), identity theft.
5. The maximum sentence for these violations is fifteen years' imprisonment.



6. The defendant is subject to removal from the United States pursuant to section 237(a)(3)(D)(i) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1227(a)(3)(D)(i), as an alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this chapter (including section 1324a of this title) or any Federal or State law.

WHEREFORE, pursuant to section 238[(d)](c) of the INA, 8 U.S.C. § 1228[(d)](c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to the Dominican Republic.

Dated: New York, New York  
July 20, 2021

AUDREY STRAUSS  
United States Attorney  
Southern District of New York

By: Matthew J.C. Hellman  
Matthew Hellman  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VIRGILIO ACEVEDO DE LOS SANTOS

Defendant.

DEFENDANT'S PLEA  
STATEMENT IN  
SUPPORT OF  
JUDICIAL  
REMOVAL

S1 19 CR. 563 (AKH)

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VIRGILIO ACEVEDO DE LOS SANTOS, defendant in the above-captioned criminal proceeding, hereby states as follows:

1. My true and correct name is VIRGILIO ACEVEDO DE LOS SANTOS.
2. I received a Notice of Intent to Request Judicial Removal ("Notice"), dated July 20, 2021. I am the person identified in that document. I hereby waive my right, pursuant to section 238[(d)](c)(2)(A) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1228[(d)](c)(2)(A), to have the Notice served upon me prior to the commencement of the trial or entry of a guilty plea in this case.
3. I received the Factual Allegations in Support of Judicial Removal ("Allegations"), dated July 20, 2021. I hereby waive my right, pursuant to section 238[(d)](c)(2)(B) of the INA, 8 U.S.C. § 1228[(d)](c)(2)(B), to have the allegations served 30 days prior to sentencing.
4. My rights in a judicial removal proceeding have been fully explained to me by my attorney, Clay H. Kaminsky, Esq. After consultation with counsel and understanding the legal consequences of doing so, I knowingly and voluntarily waive the right to the notice and hearing



provided for in section 238[(d)](c)(2) of the INA, 8 U.S.C. § 1228[(d)](c)(2), and further waive any and all rights to appeal, reopen, reconsider, or otherwise challenge this order. I understand the rights I would possess in a contested administrative proceeding and I waive these rights, including my right to examine the evidence against me, present evidence on my own behalf, and cross-examine witnesses presented by the United States. I understand these rights and waive further explanation by the Court.

5. I hereby admit that all of the factual allegations set forth in the Allegations are true and correct as written.

6. I hereby concede that I am removable from the United States pursuant to section 237(a)(3)(D)(i) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1227(a)(3)(D)(i), as an alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this chapter (including section 1324a of this title) or any Federal or State law.

7. I hereby waive any and all rights I may have to any and all forms of relief or protection from removal, deportation, or exclusion under the INA, as amended, and related federal regulations. These rights include, but are not limited to, the ability to apply for the following forms of relief or protection from removal: asylum; withholding of removal under section 241(b)(3) of the INA, 8 U.S.C. § 1231(b)(3); any protection from removal pursuant to Article 3 of the United Nations Convention Against Torture, including withholding or deferral of removal under 8 C.F.R. §§ 208.16-17 and 1208.16-17, cancellation of removal; adjustment of status; registry; *de novo* review of a denial or revocation of temporary protected status (current or future); waivers under sections 212(h) and 212(i) of the INA, 8 U.S.C. §§ 1182(h), 1182(i); visa petitions; consular processing; voluntary departure or any other possible relief or protection from removal available under the Constitution,

laws or treaty obligations of the United States.

8. I agree to the entry of a stipulated judicial order of removal pursuant to section 238[(d)](c)(5) of the INA, 8 U.S.C. § 1228[(d)](c)(5). I acknowledge that I have not been persecuted in, and have no present fear of persecution in the Dominican Republic, the country of my nativity and citizenship. I further acknowledge that I have not been tortured in, and have no present fear of torture in the Dominican Republic, the country of my nativity and citizenship.

9. I consent to the introduction of this statement as an exhibit in the record of these judicial removal proceedings. I further agree to make the judicial order of removal a public document, waiving my privacy rights, including any privacy rights that might exist under 8 C.F.R. § 208.6.

10. I agree to assist U.S. Immigration and Customs Enforcement ("ICE") in the execution of my removal. Specifically, I agree to assist ICE in the procurement of any travel, identity, or any other documents necessary for my removal; to meet with and to cooperate with representatives of any country to which I may by statute be removed if ICE so requests; and to execute any forms, applications, or waivers needed to execute or expedite my removal. I further understand that my failure or refusal to assist ICE in the execution of my removal may subject me to criminal penalties under section 243 of the INA, 8 U.S.C. § 1253.

11. I concede that the entry of this judicial order of removal renders me permanently inadmissible to the United States. I agree that I will not enter, attempt to enter, or transit through the United States without first seeking and obtaining permission to do so from the Secretary of the Department of Homeland Security or other designated representative of the U.S. government.

12. I will accept a written order issued by this Court for my removal from the United States to the Dominican Republic, and I waive any and all rights to challenge any provision of this

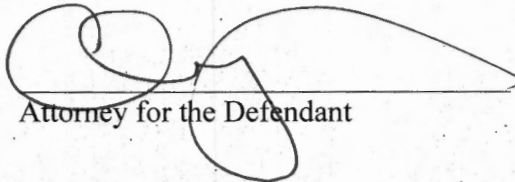


agreement in any U.S. or foreign court or tribunal.

7/28/2021  
Date

  
Defendant's Signature

7/28/2021  
Date

  
Attorney for the Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

VIRGILIO ACEVEDO DE LOS SANTOS

Defendant.

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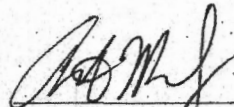
CONCURRENCE OF UNITED  
STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT

19 CR. 563 (WHP)

Based upon consideration of the applicable law and the defendant's statement, I hereby concur, on behalf of United States Immigration and Customs Enforcement, in the United States Attorney's request that a judicial order of removal be granted against the defendant.

Dated: New York, New York  
April 30, 2020

(FOU)



Thomas Decker  
Field Office Director  
United States Immigration and  
Customs Enforcement